

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Theresa Rice,)	
)	C/A No. 3:04-1923-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER TO VACATE JUDGMENT
Eaton Corporation Short Term Disability)	
Plan, et al.,)	
)	
Defendants.)	
_____)	

The matter is before the court on the parties' joint motion to vacate judgment. The parties have represented to the court that a settlement has been reached that is conditional upon vacature of the court's October 19, 2007 order. Counsel for Plaintiff has represented to the court that it is in his client's best interests to settle. The parties further represent that particular issues on which the court ruled in its October 19, 2007 order are being brought before the Court of Appeals for the Fourth Circuit in another case.

The court concludes that exceptional circumstances exist that justify vacature. Accordingly, the Findings of Fact, Conclusions of Law, and Order entered October 18, 2007 (Entry 73)¹ and Judgment in favor of Plaintiff (Entry 74) are hereby vacated and the case is voluntarily dismissed with prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour

United States District Judge

Columbia, South Carolina
March 25, 2008.

¹ To the extent the Findings of Fact, Conclusions of Law, and Order (Entry 72) is revived by vacature of the Amended Findings of Fact, Conclusions of Law, and Order, it also is vacated.